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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
09 AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 GILBERTO MARTINEZ-SANCHEZ,)
14 Defendant.)
15 _____
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17 Offense charged:

18 Count I: Unlawful entry, first offense — violation of 8 U.S.C. § 1325(a)(2).

19 Count II: Unlawful entry, second offense — violation of 8 U.S.C. § 1325(a)(2).

20 Date of Detention Hearing: Initial Appearance, 4/20/2005.

21 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
22 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
23 that no condition or combination of conditions which defendant can meet will reasonably assure
24 the appearance of defendant as required. If new issues surface, then the defendant may request
25 another hearing on release.
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01 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02 (1) In the Pretrial Services Report of April 20, 2005, criminal records are cited that
03 reflect a substantial number of prior offenses, including three incidents of deportation, pending
04 charges for driving under the influence, vehicle operator-refusal to comply with police, no valid
05 operator's license, and no identification. In addition, a bench warrant was issued on April 13,
06 2005, for failure to appear in court on April 12, 2005, for the pending charges.

07 (2) Defendant appears to have no substantial ties to the community or to the Western
08 District of Washington.

09 (3) The defendant has stipulated to detention due to the detainer placed on defendant
10 by the Bureau of Immigration and Customs Enforcement, but reserves the right to the possibility
11 of a subsequent motion for release if there is a change of circumstances.

12 (4) No conditions or combination of conditions are apparent that will reasonably assure
13 the defendant's appearance at future Court hearings.

14 **IT IS THEREFORE ORDERED:**

15 (1) Defendant shall be detained pending trial and committed to the custody of
16 the Attorney General for confinement in a correction facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being held in custody
18 pending appeal;

19 (2) Defendant shall be afforded reasonable opportunity for private consultation
20 with counsel;

21 (3) On order of a court of the United States or on request of an attorney for
22 the government, the person in charge of the corrections facility in which defendant
23 is confined shall deliver the defendant to a United States Marshal for the purpose
24 of an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States,
02 to counsel for the defendant, to the United States Marshal, and to the United
03 States Pretrial Services Officer.

04 DATED this 21st day of April, 2005.

05
06 /s/ JAMES P. DONOHUE
07 United States Magistrate Judge
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